

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAMBETH MAGNETIC STRUCTURES, LLC, Plaintiff, v. WESTERN DIGITAL CORPORATION, WESTERN DIGITAL TECHNOLOGIES, INC., WESTERN DIGITAL (FREMONT), LLC, WESTERN DIGITAL (THAILAND) COMPANY LIMITED, WESTERN DIGITAL (MALAYSIA) SDN.BHD, and HGST, INC., Defendants.	Civil Action No. 2:16-cv-00541-CB Judge Cathy Bissoon <u>Electronically Filed</u>
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**WESTERN DIGITAL’S MOTION TO EXTEND PAGE LIMITS FOR SUMMARY
JUDGMENT BRIEFING**

Defendants Western Digital Corporation, Western Digital Technologies, Inc., Western Digital (Fremont), LLC, Western Digital (Thailand) Company Limited, Western Digital (Malaysia) Sdn.Bhd, and HGST, Inc. (“Western Digital”) file the following Motion to Extend Page Limits for Summary Judgment Briefing.

This is a patent case in which Defendant Lambeth Magnetic Structures, LLC (“LMS”) is seeking substantial damages. On March 8, 2018, the parties held a settlement conference with the Court. (ECF No. 106). Western Digital indicated during that conference that it wished to file an early summary judgment motion on pre-suit damages that was not dependent on expert testimony. The Court indicated a preference for hearing all summary judgment motions at once. Now that the dispositive motion deadline is approaching, Western Digital not only wants to file on the pre-suit damages issue, but also on non-infringement and invalidity.

This is a case with highly complex technology at issue. In order to address all the issues in a manner most helpful to the Court, and to address all the issues in one motion, Western Digital seeks permission to file an opening summary judgment brief not to exceed 40 pages in length. Western Digital is willing to agree that LMS may file a response brief also not to exceed 40 pages.

Good cause exists to grant Western Digital's motion, for four reasons. *First*, LMS is asserting nine patent claims against ten different Western Digital accused head designs, for a total of 90 different infringement allegations. *Second*, there are many grounds for seeking summary judgment either based on non-infringement, or invalidity. Granting Western Digital's motion would focus the remaining claims for trial, if the motion does not eliminate trial entirely. *Third*, the complexity of the crystal structures and test results at issue in the case necessitates the use of graphics and other illustrations to aid the Court in its understanding of the issues. Such graphics will take additional space. *Fourth*, given the disparity in the way the parties value the litigation, addressing the pre-suit damages issue will focus the parties for any pre-trial settlement talks that may occur.

Because the dispositive motion deadline is rapidly approaching (October 11), and because good cause exists for Western Digital's motion, Western Digital respectfully requests that the Court extend the page limits to 40 pages for Western Digital's opening brief and allow LMS 40 pages for its responsive brief.

Western Digital attempted to reach agreement with LMS at a meet and confer on September 18, 2018 before filing this motion, but the parties could not agree.¹

¹ If necessary after reviewing LMS's responsive brief, Western Digital may request a reply brief, to the extent not already permitted by the Court's Revised Practices and Procedures, Part II.C.

September 25, 2018

/s/ Lauren K Sharkey

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CERTIFICATE OF SERVICE

A copy of the foregoing document was electronically filed with the Court on September 25, 2018. Notice of this filing will be sent by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

LATHAM & WATKINS LLP

By: /s/ Lauren K. Sharkey